



Task Force on Trial Court Employees

Meeting Minutes

September 24–26, 1998

Island Palms Hotel, San Diego, California

TASK FORCE MEMBERS:

PRESENT:

Hon. James A. Ardaiz, Chair
Ms. Pamela Aguilar
Marshal Barbara J. Bare
Hon. Aviva K. Bobb
Mr. Gary Cramer
Hon. Charles D. Field
Ms. Karleen A. George
Ms. Diane Givens
Ms. Mary Louise Lee
Mr. Ronald G. Overholt
Ms. Christine E. Patton
Sheriff Charles Plummer
Mr. John Sansone
Mr. Larry Spikes
Mr. Robert Straight
Mr. Mike Vargas

ABSENT:

Mr. Steve Perez
Mr. Robert D. Walton
(Represented by Mr. Scott
Vivona, PERS Office of
Governmental Affairs)

PRESENTERS:

Mr. Rogers Davis, Assistant Vice Chancellor–Human
Resources, University of California San Diego
Ms. Rita Finchum, Manager, Personnel Management Unit,
Administrative Office of the Courts

ADMINISTRATIVE OFFICE OF THE COURTS STAFF:

Ms. Judith A. Myers, Director, Human Resources Bureau
Mr. Colin A. Wong, Attorney, Council and Legal Services
Division
Ms. Tina Burkhart, Court Services Analyst, Trial Court
Services Division
Ms. Sharon Smith, Director's Intern, Human Resources
Bureau
Ms. Hazel Ann Reimche, Human Resources Analyst, Human
Resources Bureau
Ms. Emma Adarlo, Secretary, Human Resources Bureau
Ms. Noema Olivas, Secretary, Human Resources Bureau

FACILITATOR:

Ms. Liz Schiff, Organizational Development Specialist,
Human Resources Bureau

September 24, 1998
(10:45 a.m. to 4:45 p.m.)

I. OPENING REMARKS

Justice James A. Ardaiz, chair, called the meeting to order at 10:45 a.m. and welcomed everyone to the fourth task force meeting in San Diego.

II. PUBLIC COMMENT PERIOD

Justice Ardaiz introduced the following guests during the public comment period:

- Ms. Cheryl L. Brierton, Attorney, described the unique way the courts in San Diego County have structured the research attorney employees.
- Ms. Michelle Longtin, Assistant Court Administrator of the El Cajon Municipal Court, speaking on behalf of the California Court Clerks' Association, which represents 4,000 trial court employees, expressed concern about communicating information on the work of the task force to employees.
- Mr. Roger Hillton, President of the Association of Deputy Marshals of Orange County, stated that the marshals he represents want to maintain their current employment status.
- Mr. Gary Cyr, President of the Orange County Chapter of the State Marshals' Association, pointed out the specialized training that court security officers need.

III. REVIEW OF AUGUST 19–20 TASK FORCE MEETING; ANNOUNCEMENTS

Justice Ardaiz announced that he and Ms. Judith A. Myers met with approximately 85 municipal and superior court employees on September 23, 1998, at the downtown San Diego Superior Court courthouse for a question-and-answer session on the work of the task force. He felt that this was a very successful meeting that provided an open forum for communication between the task force and employees.

Justice Ardaiz stated that the task force staff is developing a survey to gather general information on marshals' offices, including (1) how the offices were established, (2) classification characteristics, and (3) organizational structure in each jurisdiction. This survey will be sent to all marshals for completion.

Justice Ardaiz welcomed the public to the meeting, presented a summary of the August 19–20 task force meeting, and discussed the meeting objectives and agenda for the current meeting. The objectives of the August meeting were:

- To provide the opportunity for communication through public comment periods.

- To agree on the Employment Status Options Definitions of court, county, and state.
- To provide education about California state personnel structures, including those of the University of California and the judicial and executive branches of state government.
- To provide education about transition ideas and strategies.
- To provide education about employment protection systems.
- To provide education about classification and pay policies.

Justice Ardaiz asked if there were any additions or corrections to the meeting minutes from August 19 and 20. Mr. John Sansone moved that the minutes reflect the adoption by the task force of the Final Model for Survey Definition of Court Employee (Attachment 1). Mr. Ronald G. Overholt moved that the definition of court employee for the purposes of the survey be amended to delete under both (a) and (b) the third arrow bullet [“For purposes of this survey, include only employees who receive benefits that include county/court provided retirement.”]. There was consensus to accept the motion to delete bullet number 3 under (a) and (b) from the definition of court employee for the purposes of the survey. Ms. Patton seconded the motion to adopt the August meeting minutes as revised and amended; the task force adopted the minutes.

Justice Ardaiz explained to the public that the minutes are not posted to the Web site until they have been approved by the task force. Therefore, minutes from the August meeting will be posted after the September meeting.

IV. EMPLOYMENT STATUS OPTIONS DEFINITIONS (COURT, COUNTY, STATE)

Ms. Liz Schiff reviewed the proposed Employment Status Options Definitions discussed at the August meeting.

The county definition (c) was amended from “county personnel rules” to “county/court personnel rules.”

Justice Ardaiz pointed out that the task force is not precluded from exploring and defining the “other” employment status options.

Consensus was reached to adopt the Employment Status Option Definitions. It was agreed that these are to be considered working definitions (Attachment 2).

V. EDUCATIONAL SESSION: CLASSIFICATION AND COMPENSATION PRINCIPLES

Ms. Myers reviewed the components of a personnel structure that were presented at the August meeting. She explained that during this meeting the task force would focus on the personnel structure components of civil service, classification, and compensation.

Ms. Rita Finchum gave a presentation about classification and compensation policies and issues, including

- Specific classification plans,
- Generic classification plans,
- Market placement policy, and
- Factors that may complicate classification and compensation policies.

VI. EDUCATIONAL SESSION: OTHER PERSONNEL STRUCTURES (UNIVERSITY OF CALIFORNIA AND EXECUTIVE AND JUDICIAL BRANCHES OF STATE GOVERNMENT)

Mr. Rogers Davis described the personnel structure of the University of California at both the systemwide and local campus levels. His presentation included in-depth information about classification and compensation, retirement and benefits, collective bargaining, personnel policy administration, and budget development.

Ms. Myers explained the same basic personnel structure components discussed by Mr. Davis as they apply to the executive and judicial branches of state government.

VII. EDUCATIONAL SESSION: TRANSITION IDEAS AND STRATEGIES

Ms. Hazel Ann Reimche defined common employment transition strategies and examples. Her review of general definitions included

- The grandfather clause,
- Phasing in/staging,
- One-time employee irrevocable choice, and
- Tiering.

VIII. EDUCATIONAL SESSION: EMPLOYMENT PROTECTION SYSTEMS DEFINITIONS

Mr. Colin Wong presented an educational session that defined some general employment protection systems, including

- At-will employment;
- Employer personnel policies and procedures;
- Merit systems;
- Civil service systems; and
- Collective bargaining, including meet and confer requirements.

IX. CLOSING REMARKS

Justice Ardaiz adjourned the meeting at 4:45 p.m. and announced that the September 25, 1998, portion of the meeting would be an executive session closed to the public.

Friday, September 25

CLOSED WORKING SESSION: Personnel Structures (8:00 a.m. to 5:00 p.m.)

Saturday, September 26

CLOSED WORKING SESSION: Personnel Structures (8 a.m. to 10:30 a.m.)

OPEN SESSION
(10:30 a.m. to 12:00 p.m.)

I. OPENING REMARKS

Justice Ardaiz called the meeting to order at 10:30 a.m.

Task force members agreed to add a November 15, Sunday afternoon meeting to the November 16 meeting in Los Angeles.

II. PUBLIC COMMENT PERIOD

No member of the public spoke during the scheduled public comment period.

III. DISCUSSION ON COMMUNICATION

The task force discussed the current methods and policies for communicating to the public about current topics addressed by the task force and the progress made toward completing its charge. Public attendees were asked to participate in the discussion. Members of the task force and the public in attendance discussed communication practices.

IV. ADVISORY VOTE

Justice Ardaiz proposed that a subcommittee be created to develop a model for the advisory vote process. The subcommittee would work with staff and report its findings in December to all task force members. He stated the subcommittee's proposal would not address the timing of the advisory vote. At a later date, the entire task force will determine the timing of the advisory vote.

It was moved that an advisory vote subcommittee be formed. The motion was seconded and agreed to by the task force. The subcommittee will be composed of the following task force members:

- Gary Cramer
- Karleen A. George
- Diane Givens
- Mary Louise Lee
- Barbara J. Bare
- Pamela Aguilar
- Steve Perez
- Judge Aviva K. Bobb
- Ronald G. Overholt

Justice Ardaiz distributed a handout that included a copy of all e-mails, letters, and comments received to date. He stated that a similar handout would be distributed at each future meeting.

V. CLOSING REMARKS

Justice Ardaiz commented that the task force members had made a lot of progress on very difficult issues.

The meeting was adjourned at approximately 11:30 a.m.

Attachment 1

Task Force on Trial Court Employees **FINAL MODEL FOR SURVEY DEFINITION OF COURT EMPLOYEE**

If question (a) and (b) are answered yes, the individual is a court employee, for the purposes of this survey.

Definition:

(a) Is the individual paid from the court's budget,¹ regardless of funding source?

- If no, the individual is not a court employee but is performing a service for the court.
- If yes, the individual might be a court employee.

(b) Does the court² have the right to control the manner and means of the individual's work?

- If no, the individual is not a court employee but is performing a service for the court.
- If yes, the individual is a court employee.

1. For purposes of this survey, the court's right to control the manner and means of the individual's work means that the court has the authority to hire, supervise, discipline, and terminate the individual. The court's authority to hire, supervise,³ discipline,⁴ and terminate the individual need not be exclusive and may be shared with other entities, including county personnel offices and agencies with statutory or licensing authority.
2. This definition excludes individuals hired by the court pursuant to an independent contractor agreement.

If the definition above excludes the functions/groups listed below, the survey will collect the following information from the court administrator, if available, on titles, duties, rate of pay, qualifications, and group benefits:

- Court security officers (including retirement information on this group)
- Court interpreters
- Court reporters
- Electronic recording monitors

¹ For purposes of this survey, *court's budget* is defined as funds from which the presiding judge of the court, or his or her designee, authorizes and directs expenditures. Includes local revenue, all grants, and trial court operations funds (Trial Court Funding Act, AB 233, Gov. Code, §77009(b)).

² For purposes of this survey, *court* includes judges in their individual or collective capacity, or their appointees, who are vested with the authority to hire, supervise, discipline, and terminate.

³For purposes of this survey, *supervise* is defined as the authority to plan, direct, control, and evaluate the work of an employee.

⁴For purposes of this survey, *discipline* is defined as a procedure such as reprimand, demotion, suspension, or reduction in pay that corrects or punishes a subordinate's behavior, such as behavior that results in poor work performance, low productivity, or violation of agency rules or regulations.

Working Employment Status Option Definitions

The charge of the task force as outlined in AB 233 (art.1, §77603(g)) is to “Examine and outline issues relating to the establishment of a local personnel structure for trial court employees under

- (1) **court employment**,
- (2) **county employment**, with the **concurrence** of the county and the courts in the county,
- (3) **state employment**, with the **concurrence** of the state and the courts in the county, or
- (4) **other** options identified by the task force.”

	State	Court	County
a	A state-supported court personnel structure with local trial court administration (similar to the appellate courts)	A state-supported trial court personnel structure with local trial court administration (baseline)	A state-supported county personnel structure with local trial court administration
b	Employees working for the court are state judicial branch employees.	Employees working for the court are trial court employees.	Employees working for the court are county judicial branch employees.
c	The courts have hire/fire authority, subject to statewide judicial branch personnel rules and collective bargaining agreements.	The courts have hire/fire authority, subject to trial court personnel rules and collective bargaining agreements.	The courts have hire/fire authority subject to county/court personnel rules and collective bargaining agreements.
d	Employees negotiate with the court administration with involvement of state judicial branch (state determines state funding level).	Employees negotiate with court administration (state determines state funding level).	Employees negotiate with county administration with involvement of the local judiciary (state determines state funding levels).